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Board Meeting
Board Office, University Park Plaza
January 26, 2011
MINUTES

Members Present: Kyle Nordine, LNHA, Chair
Thomas Pollock, LNHA, Sec'y
Nancy Tuders, RN
Jennifer Pfeffer, LNHA
Christine Rice, Public Member

James Bircham, LNHA, Vice-Chair
Jane Pederson, MD
Chandra Mehrotra, PhD, Public Member
Ann Tagtmeyer, Public Member
Robert Held, LNHA-DHS ex-officio

Members Absent: Darcy Miner-MDH ex-officio

Staff: Randy Snyder, Executive Director
Jan Strum, Office Manager

Guests: Kyla Jacobs (UW-Eau Claire intern at Northfield Retirement Community - Kyle Nordine, LNHA)
Kimberly Zillmer, HPSP caseworker

I. CALL TO ORDER

Chair, Kyle Nordine called the meeting to order at 10:31 a.m.

II. ADDITIONS TO/APPROVAL OF AGENDA and BOARD MINUTES

The agenda was approved as presented. Motion Pfeffer, second Pollock, carried unanimously. Minutes of the October 27, 2010 meeting were unanimously accepted as emailed.

III. HOT TOPICS:

Pfeffer mentioned attending a meeting that focused on the national approach of combining payments for Medicare and Medicaid, which would require nursing homes to work more closely with hospitals. Held mentioned level of care/eligibility cannot be changed, as well as restrictions on Medicaid. It's a very busy legislative session with many new legislators and the initial hearings along with budgets.

IX.B. Health Professionals Services Program

Kimberly Zillmer made an annual presentation to the Board. HPSP is a confidential program whose mission is to enhance public protection and provide support for regulated health care professionals whose ability to practice with reasonable skill and safety may be impaired due to illness. The program was started about 16 years ago by the Health-Licensing Boards and now operates with 580-600 open cases. She spoke about intake, monitoring, contract with licensee, release from program. Five BENHA licensees have been enrolled in HPSP. Discussion with questions to Ms. Zillmer followed.

IV. STANDARDS OF PRACTICE COMMITTEE (SOPC)

Jim Bircham reported the committee reviewed 18 open complaints (10 were closed) and 24 new complaints (16 were closed) at the October 27, 2010 meeting. No action required. The SOPC meets again this afternoon.

V. ACTION ITEMS

A. Shared Board Staff Model with Boards of Optometry & Dietetics and Nutritional Practice

Nordine and Snyder met with the other two board chairs, with both affirming their desire to enter into a two year trial period, with annual evaluation.

Tuders made a motion that "The Board should resolve and agree to a two year trial period of utilizing BENHA staff combined with the current staff of the Board of Optometry and the board of Dietetics and Nutritional Practice to develop shared efficiencies as three separate autonomous boards." Second by Pfeffer.

Discussion clarified questions for board members.

1. There will, as now, still be three separate, autonomous boards, each with their own board of directors.
2. There will be an expected initial biennial cost savings to BENHA of up to \$29,000.
3. The two-year agreement will become effective on July 1, 2011, with annual evaluations.

Returning to the former model could only occur at the end of the 2-year agreement.

4. Increased technology use is expected to make operations even more efficient.
5. Three boards with a shared Executive Director is an assumed maximum. The ED's involvement as the health boards' Administrative Services Unit Manager will be vastly reduced or eliminated.

Motion was passed unanimously.

B. NAB Mid-Year Meeting

November meeting highlights shared. Academic accreditation recognition was presented to three universities. Accepting for the University of Wisconsin, Eau Claire, were Drs. Jennifer Johns-Artisensi and Douglas Olson, who is also a MN LNHA. Their program is also approved by our Board. The next meeting is in Chicago, June 8-10, 2011.

C. NAB Regulatory Flash

From around the nation...

Tennessee now requires licensure applicants to receive Board approval to take the NAB examination. The state also revised discipline and scope of practice regulations.

Idaho's new rule states that applicants must obtain supervised experience in all six domains and that the preceptor training be in addition to full time work. The rule clarifies that full time shall be at least thirty-two hours per week which would allow at least eight hours per week for direct training between the preceptor and trainee. It also requires preceptor be re-certified every ten years.

Florida has new continuing education and reexamination rules mandating that applicants must pass both parts of the NAB examination within one year of the date of application for licensure. If the applicant fails to pass both parts within the stated one-year period, the applicant must reapply and meet current licensing requirements. Their regulations hold that all licensed NHAs shall be required to obtain continuing education which contributes to increasing or enhancing the license-holder's professional skill or which enables the license-holder to keep abreast of changes that affect the field of nursing home administration and each license holder shall complete forty (40) contact hours of continuing education per two year renewal cycle.

Delaware is proposing a wide range of new rules and regulations.

Nevada has extensive new standards, including: potential new administrators must now be 21 years of age, possess at minimum a baccalaureate degree and having not completed an internship or residency, complete at least 1,000 hours in a program for training administrators approved by the board or the National Association of Long Term Care Administrator Boards – or have a certificate issued by the American College of Health Care Administrators for the completion of the program for the certification of nursing home administrators.

D. License Renewal

License renewal begins May 1, 2011, with the OET 10% (\$20) surcharge being charged directly to the licensee for the first time. Rice made a motion that "The Board should accept past practices for electronic online license renewal and communicate the \$20.00 surcharge fee added to the license renewal fee this year to the licensees." Second by Tagtmeyer. Discussion regarding the best way to make renewing licensees aware of the surcharge prior to logging in to do their renewal. Motion amended to include the Board resolution regarding the surcharge in the spirit of transparency from its October 2010 meeting. Approved unanimously.

The Board's resolution is posted at the Board's website, and will be sent to both associations.

In 2009, the legislature enacted MN Statute 16E.22 which requires all state agencies to collect a temporary surcharge of 10% of the licensing fee for business, commercial, professional and occupational licenses. This includes all health occupational licenses and must be collected whether application is made by paper or online. This fee must be collected from July 2009 through June 2015. The BENHA Board members did not support this new electronic government service, as current online services are effective. However, the law has been enacted.

Since 2009 the Board of Examiners for Nursing Home Administrators has utilized our reserve fund to meet this requirement but the reserve fund is now depleted, having been transferred to other non-board related operations. We are now obligated by law to collect the surcharge directly from our initial license and license renewal applicants beginning January 1, 2011, for these applications. At this time, the Board will continue to pay the credit card convenience fee of nearly 4% per transaction to encourage a strong electronic system.

VI. EXECUTIVE DIRECTOR'S REPORT

- A. The report was approved as sent. Snyder walked through the report to determine if anyone had any questions.
- B. Lodging expense: January 27, 2011 Board meeting – Mehrotra (and Education Committee) & Tuders (and Standards of Practice Committee)

VII. RULES COMMITTEE

Rice led discussion on three items to determine if modification to current Rule Minn. 6400.6650, in regard to practicum reductions, should be addressed by the Rules Committee.

- 1.) Practicum reduction to 80 hours for an individual who has served two or more years full-time or the equivalent number of hours as the director of nurses in a nursing facility. DONs in smaller and/or rural facilities are being named the Assistant Administrator for one or more years to waive their practicum to zero hours. They must complete the Assistant Administrator questionnaire. National practicum average is 1000 hours so the Minnesota requirement of 400 is minimal.
- 2.) Assisted Living experience qualifying for practicum waiver. Rules state that reduced hours for practicum were created for hospital and nursing home experience. Candidates with assisted living experience claim AL is much more related to nursing home operations than is hospital experience. They cite long term care as a social model, not a hospital-health care model.
- 3.) CEO or Regional Director may or may not qualify for practicum waiver. Rule says practicum may be "waived for an individual who has one year of continuous full-time employment as the licensed administrator... of a nursing facility..." Seven years is considered the period of time that education and experience remains accepted as contemporary and therefore is the determining factor when waiving courses or practicum.

Key discussion issues included:

- What can be identified as harm to the public?
- The realization that there are not good measurements for a "no practicum" requirement to those states that require a full year as an Administrator in Training. Dr. Douglas Olson, UWEC, is

currently conducting research on AIT's best practices and we hope to use that information once completed to assist in this discussion. The board is in charge of determining the community standard for licensure and the practicum time period.

- We need to reinforce the strict Assistant Administrator with documentation as to responsibility and management assignments versus a Director of Nursing delegated authority when the LNHA is gone for the day, will be the standard as currently in rule.
- Board members believe the assisted living leadership is vastly different and doesn't directly relate to a waiver request. Current rules are still therefore contemporary.
- When rules are opened, discussion for the Rules Committee will review the budget of \$250,000 and 25 employees as a waiver in hours. Those numbers were established in 1995 and budgets have grown significantly.
- It was determined that the Rules Committee should not proceed for these three practicum issues.
- These issues and others will be re-addressed when the Olson UWEC research has been completed.

VIII. EDUCATION COMMITTEE

- A. No courses waived, no courses denied, 833 licensees, 55 applicants, 6 acting permits on 12/31/2010. Eleven new licensees and three new acting permits issued 10/1/2010-12/31/2010.
- B. The Education Committee met this morning. St. Cloud State University is due for their five-year review. The Education Committee reviewed the University of South Dakota prior to this meeting and provided them feedback. USD will present at the April 27th Education Committee meeting.

IX. BOARD MEMBERS' REPORTS

- A. Council of Health Boards – No meeting and all reports have been prepared and filed with the legislature.

X. Other Business

Next Board Meeting: Wednesday, April 27, 2011.

XI. ADJOURNMENT

The meeting was adjourned at 12:09 p.m.

Recorder: Jan Strum, Date: 4/27/2011
Jan Strum
Office Manager

Attest: Thomas Pollock, Date: 4/27/11
Thomas Pollock
Secretary